

1153.06 PORTABLE TOILETS

(a) Purpose. The purpose of this section is to preserve and protect the health, safety, and general welfare of persons and property in the City by regulating the location and maintenance of portable toilets.

(b) Definitions. As used in this section, the following terms shall have the meanings defined herein:

“Community Event” means a planned occasion or activity held on public grounds that is open to the public and sponsored by the City, a public entity, or a private party.

“Construction Project” means a public or private project for the construction, development, replacement, repair, or maintenance of roads, streets, culverts, buildings, residences, commercial units, parking lots, and utilities subject to a valid building permit or other authorization during the period of active construction thereon.

“Owner” means the owner of the portable toilet and the owner of the property on which the portable toilet is located.

“Portable Toilet” means a free-standing, movable toilet structure equipped with an impervious tank which receives human excreta discharged through a hopper, seat, urinal or similar device, and into which container may be placed disinfecting or deodorizing chemicals. For the purposes of this section, “Portable Toilet” and “chemical toilet” shall have the same meaning. The brand names “Port-a-Potty” and “Port-a-John” are included in this definition.

“Responsible Party” means any person or entity renting or leasing a portable toilet.

“Special Event” means a planned occasion or activity of limited duration held on private property that is open to a limited group of people invited by a host or sponsor.

“Temporary Use” means use that lasts, exists, serves, or is effective for a limited time only, and which is not repeated, or intended to be repeated, subsequently within the calendar year.

(c) Permitted Uses. The placement and temporary use of portable toilets in Single-Family House Districts is permitted only for the following defined activities:

- (1) Community Events.
- (2) Special Events.
- (3) Construction Projects.

Ord. 154-21 (1st Substitute)

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- (4) Under emergency circumstances when adequate permanent bathroom facilities are unavailable.

In no case shall portable toilets be placed, used, or maintained as permanent sanitary facilities or in lieu of connecting a site, structure, or facility to a sanitary sewer system.

The placement of portable toilets on any premises erected, used, arranged, or designed to be used, in whole or in part, for single-family dwellings is prohibited except as otherwise permitted in conjunction with construction projects.

(d) Permit Required. No portable toilet for an allowed use shall be placed or maintained on public or private property without first obtaining a permit from the Building Commissioner.

- (1) Prior to obtaining a permit for the placement of a portable toilet, the owner or responsible party shall complete and submit a permit application on such forms as may be prescribed by the Building Commissioner. Applications shall be filed not less than 5 days before the time intended for placement. ~~The cost of each permit application, set forth in section 185.04(d) of the Administrative Code, shall be paid by the applicant.~~ No permit for the placement of portable toilets shall be issued prior to the owner or responsible party providing proof of an agreement for the servicing of the portable toilets.

(2) A permit for the placement of portable toilets shall not be required for:

- A. The placement of portable toilets by the City for use by the public on property owned, leased, or maintained by the City.
- B. The placement of portable toilets in conjunction with public road and utility construction projects, provided, the City shall first approve the location of the placement.
- C. The placement of portable toilets to support emergency service operations during emergencies and natural disasters, and during interruption of sewer service due to emergencies or planned upgrades/repairs.
- D. The placement of portable toilets in conjunction with a special event or a community event for no more than ~~three~~ **five (35)** consecutive day(s). If portable toilets are placed for more than one special event or community event on the same property in the same calendar year, a permit shall be required.

(3) Permitted portable toilets shall be removed in accordance with the following schedule:

- A. Community Events and Special Events - Within 48 hours of the cessation of the event for which the portable toilets were placed.
- B. Construction Projects – Within 48 hours of the following events: the issuance of any necessary occupancy certificate; the final inspection and approval of a project; the suspension or revocation of any work permit; or a work permit becomes void.
- C. Emergencies – Within 48 hours of the cessation of the emergency or other such circumstance.

(e) Location. The location and orientation of all permitted portable toilets shall conform to the following standards:

- (1) Setback from Property Lines – Portable toilets shall be placed at least 20 feet from any residential property line, and at least 10 feet from any nonresidential property line. Portable toilets must be kept, as much as possible, out of neighboring structures' line-of-sight.
- (2) Setback from Lake or Stream – Portable Toilets shall be placed at least 50 feet from the ordinary high-water elevation of any lake or stream, and not within any swale or infiltration basin.
- (3) Setback from Wetlands – Portable toilets shall be placed at least 50 feet from the edge of any wetland or pond and shall not be placed within any regulated wetland buffer in accordance with Ohio and federal regulations.
- (4) Screening – Portable toilets that are placed for more than ~~three~~ **five** (~~3~~**5**) consecutive days shall be screened from public view.
- (5) Portable toilets shall be placed in a way to allow for appropriate servicing and to ensure that any vehicle required for servicing shall not cause damage to property.
- (6) Portable toilets shall not obstruct existing structures or driveways.
- (7) Portable toilets shall be placed to not be potentially impacted by site conditions such as slopes, ditches, or prevailing winds.

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(f) Maintenance. The maintenance of all permitted portable toilets shall conform to the following standards:

- (1) Portable toilets shall conform to all sanitary, building, fire, and other applicable codes and regulations, including, but not limited to, the Americans with Disabilities Act.
- (2) All portable toilets shall be kept in clean, good working condition without any broken surfaces or leaks. In addition, all portable toilets shall be equipped with, or accompanied by, an approved handwashing/hand-sanitizing station. Doors must be able to be securely latched while in use.
- (3) All portable toilets shall be emptied and recharged by registered septage haulers no less than once per week, or more frequently if needed, before capacity is exceeded to prevent the escape of offensive odors and spillage.
- (4) Septage hauling equipment shall be maintained in proper operating condition. All tank seal safety specifications promulgated by the Ohio Department of Health shall be met to prevent leakage, spills, or the escape of offensive odors while in operation, transit, or storage.
- (5) The responsible party shall monitor or secure all portable toilets during periods of inactivity, such as night-time and weekend hours, to ensure that the portable toilets are not used in a dangerous or inappropriate manner.